

REMARKS

In an Office Action dated November 14, 2007, the Examiner rejected claims 1, 13 and 21 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended these claims to overcome the grounds for the Examiner's rejection. Accordingly, Applicant submits that these claims should no longer be rejected under 35 U.S.C. 112, second paragraph.

The Examiner rejected claims 1, 6-7, 9-10, 13 and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication US2003/0091170 A1 (McCann) in view of U.S. Patent 7,116,972 B1 (Zhang); rejected claims 2-3 and 14-15 under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Zhang and U.S. Patent 6,975,876 B1 (Cast); rejected claims 4-5 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Zhang and U.S. Patent Publication 2002/0168978 A1 (Molnar); rejected claims 8 and 18 as being unpatentable over McCann in view of Zhang and U.S. Patent 6,819,932 B2 (Allison); and rejected claims 11 and 19-20 under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Zhang and U.S. Patent Publication 2005/0020289 A1 (Kim).

McCann's disclosure relates to the use of a database for determining whether a credit balance for prepaid originating service is provided to a caller, or, if a called party has prepaid terminating service, whether a credit balance is provided for that party. The McCann disclosure is limited to determining whether the call can be billed to one of the parties, and completing the call only if that is the case.. The prepaid screening accounting and routing node performs a lookup in a local prepaid accounting database to determine whether sufficient credit is available for completing the call. The call can be completed if either the caller has prepaid originating service and sufficient credit or the called party has prepaid terminating service and sufficient credit to handle the call.

In contrast, Applicant's invention relates to the use of originating screening to determine whether a caller is allowed to originate the call and terminating screening to determine whether the called party is allowed to receive the call. The object is to block calls, presumably billable calls, if either party does not wish to have calls completed from

the other party. This feature of Applicant's invention is claimed, for example, in claim 1, in the first clause ("...whether said calling party may attempt to complete a call to said called party") and in the second clause ("whether said called party...is willing to accept calls from said calling party"). Originating screening is described in Applicant's disclosure on page 9, line 14 - page 10, line 4 and terminating screening is described in Applicant's disclosure on page 10, lines 5-20.

Regarding claim 1, Applicant disagrees with the Examiner's contention that McCann teaches screening, as the term is used in the application, i.e., to selectively deny connections based on the identities of the calling and called parties. In contrast, McCann's originating "screening" is a determination whether the calling party has prepaid credit for making a call to any terminating party.

The Examiner states:

McCann teaches responsive to receipt of an SMS or MMS call in an SMS or MMS Center for serving a calling party of said call, performing originating screening using data supplied by said calling party, for determining whether said calling party may attempt to complete said call. (See paragraph [12]).

So-called originating screening data of McCann is not supplied by the calling party but is supplied by the carrier in response to a request by the caller to provide credit for making future prepaid calls. In Applicant's invention, the originating screening data is supplied by the calling party to block calls to specified terminating parties.

Similarly, the Examiner stated that McCann teaches "...performing terminating screening using data supplied by said called party...." Again, McCann does not teach data supplied by the called party, but teaches data supplied by the network carrier in response to a request by the called party to provide credit for prepaid terminating calls.

The Examiner admitted that McCann does not specifically teach terminating screening based on whether the called party has allowed calls having characteristics of the call to be completed, whether the called party is willing to accept calls from the calling party and whether the called party has screened calls from the calling party. The Examiner claims that Zhang teaches all these steps in the passage from column 3, lines 15-32. For the Examiner's convenience, Applicant is quoting this passage herein.

FIG. 1A illustrates the telephone 100 placing a call to the telephone 104 over the carrier network 108. A subscriber can control the handling of the placed call at the telephone 104. Corresponding to the subscriber's selected control, the WIN network 110 appropriately handles the call.

Referring to FIG 1B, when a call is placed from the telephone 100 to the telephone 104 over the carrier network 108, the carrier network 108 indicates to the telephone 104 that there is an incoming call. Moreover, the carrier network 108 may prompt the subscriber with call information and a list of call handling choices, described below. Call information may include the calling party's name, the calling party's number, and/or any other type of useful information that might describe the calling party to the subscriber. The list of call handling choices may include one or more choices such as accepting the placed call from the calling party, forwarding the placed call to a voice mail box, forwarding the placed call to a third party, and/or blocking the placed call.

[US 7,116,972 B1, column 3, lines 15-32]

As can be seen from examining this passage, all the actions of terminating screening are performed within or under the control of the called station and not as recited in Applicant's second clause "determining in a SMS or MMS center for serving a called party of said call." In other words, Zhang's terminating screening is station based, not as in Applicant's claimed invention, network switch based.

Accordingly, Applicant respectfully submits that McCann and Zhang in combination fail to teach Applicant's central invention, namely, the performance of originating screening and terminating screening in switches for serving the calling and called parties, respectively, in order to determine whether a call should be completed.

Accordingly, Applicant respectfully submits that the subject matter of claim 1 is not taught or suggested by the combined teachings of Zhang and McCann. For similar reasons, the subject matter of claims 13 and 21 are also not taught or suggested by these references. Therefore, claims 1, 13 and 21 should be held allowable over the cited prior art. Claim 2-12 and 14-20 should be held allowable as being dependent from an allowable independent claim.

Accordingly, Applicant respectfully requests that the Examiner reconsider the grounds for rejecting claims 1-21, allow these claims as amended, and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the

prosecution of this application, he is invited to contact Applicant's attorney at telephone number 630 469-3575.

Respectfully submitted

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